



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,570	04/15/2004	Jeffrey D. Hodson	6065-90987	8674
24628	7590	02/19/2009	EXAMINER	
Husch Blackwell Sanders, LLP			MURRAY, DANIEL C	
Husch Blackwell Sanders LLP Welsh & Katz				
120 S RIVERSIDE PLAZA			ART UNIT	PAPER NUMBER
22ND FLOOR				2443
CHICAGO, IL 60606				
		MAIL DATE	DELIVERY MODE	
		02/19/2009	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/825,570	HODSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	DANIEL C. MURRAY	2443	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 NOV 2008.  
 2a) This action is **FINAL**.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-40 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-40 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

1. This Action is in response to Applicant's amendment filed on 10NOV2008. **Claims 1-40** are now pending in the present application. **This Action is made FINAL.**

### *Drawings*

2. The replacement drawing sheet(s) received on 10NOV2008 are accepted by the Examiner.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-6, 8-9, 15-20, 22-23, 29-34, and 36-37** are rejected under 35 U.S.C. 102(e) as being anticipated by **McKinnon et al. (US 2004/0133647 A1)**.

a) Consider **claims 1, 15, and 29**, McKinnon et al. clearly show and disclose, a method and apparatus of/for processing information within a computer system, such method comprising the steps of: sending a SIP SUBSCRIBE message from a first computer resource of the computer system to a presentity server of the computer system, the presentity server separate from the first computer resource, and requesting a status of a second resource separate from the presentity server where the second resource performs a predetermined service for the first resource (figure 3, abstract,

paragraph [0005], [0020] [0021], [0027], [0028], [0029], [0031]); sending a SIP NOTIFY message from the presentity server to the first resource notifying the first resource of the status of the second resource (abstract, paragraph [0005], [0021], [0027], [0028], [0029], [0031]).

b) Consider **claims 2, 16, and 30, and as applied to claims 1, 15, and 29 above,**

McKinnon et al. clearly show and disclose, the method and apparatus of/for processing information as in claims 1, 15, and 29 further comprising the first resource requesting the predetermined service from a third resource when the second resource is not available (paragraph [0018], [0019], [0023], [0040], [0041], [0042]).

c) Consider **claim 3, and as applied to claim 1 above**, McKinnon et al. clearly show and disclose, the method of processing information as in claim 1, wherein the second resource is an automatic contact distributor which searches for the presentity server upon being activated and registers a presence by sending a SIP REGISTER message to the presentity server (paragraph [0002], [0004], [0028], [0030], [0040]).

d) Consider **claim 4, and as applied to claim 3 above**, McKinnon et al. clearly show and disclose, the method as in claim 3, wherein the resource sends a SIP SUBSCRIBE message to the presentity server identifying the automatic, contact distributor and requesting status information regarding the automatic contact distributor (paragraph [0002], [0004], [0026], [0027], [0031], [0037]).

e) Consider **claim 5, and as applied to claim 4 above**, McKinnon et al. clearly show and disclose, the method of processing information as in claim 4, wherein the presentity server further confirms that the automatic contact server is registered and sends a SUBSCRIBE message requesting a SIP NOTIFY message to the automatic contact server in response to confirming registration (paragraph [0002], [0004], [0026], [0027], [0031], [0038], [0039]).

f) Consider **claim 6**, and **as applied to claim 5 above**, McKinnon et al. clearly show and disclose, the method as in claim 5, wherein the requested status further comprises determining whether the automatic contact distributor is available or unavailable and the automatic contact distributor forwarding the NOTIFY message to the presentity server and to the first computer resource (paragraph [0002], [0004], [0018], [0019], [0023], [0040], [0041], [0042]).

g) Consider **claims 17 and 31**, and **as applied to claim 15 and 29 above**, McKinnon et al. clearly show and disclose, the apparatus for processing information as in claims 15 and 29 wherein the computer system further comprises an automatic call distribution system (paragraph [0002], [0028], [0040]).

h) Consider **claims 18 and 32**, and **as applied to claims 17 and 31 above**, McKinnon et al. clearly show and disclose, the apparatus for processing information as in claims 17 and 31 wherein the first and second resources further comprise call distributors of the automatic call distribution system (abstract, paragraph [0033], [0034], [0035], [0036], [0040], [0041], [0042]).

i) Consider **claims 19 and 33**, and **as applied to claims 18 and 32 above**, McKinnon et al. clearly show and disclose, the apparatus for processing information as in claims 18 and 32 wherein the predetermined service further routing calls to agents (abstract, paragraph [0036], [0040], [0041], [0042]).

j) Consider **claims 20 and 34**, and **as applied to claims 19 and 33 above**, McKinnon et al. clearly show and disclose, the apparatus for processing information as in claims 19 and 33 wherein the requested status further comprises determining whether the second call distributor is available or unavailable (paragraph [0018], [0019], [0023], [0040], [0041], [0042]).

k) Consider **claims 8, 22, and 36**, and **as applied to claims 1, 15, and 29 above**, McKinnon et al. clearly show and disclose, the method and apparatus of/for processing information

as in claims 1, 15, and 29 wherein the computer system further comprises an automatic call distributor (paragraph [0002], [0028], [0040]).

l) Consider **claims 9, 23, and 37, and as applied to claims 8, 22, and 36 above,** McKinnon et al. clearly show and disclose, the method and apparatus of/for processing information as in claims 8, 22, and 36 wherein the second resource further comprises a call routing application of the automatic call distributor (paragraph [0029], [0030]).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and

invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. **Claims 7, 21, and 35** are rejected under 35 U.S.C. 103(a) as being unpatentable over **McKinnon et al. (US 2004/0133647 A1)** in view of **Chaney et al. (US Patent Publication # US 2003/010800 A1)** in further view of **Wolff (US Patent # US 6,185,601 B1)**.

a) Consider **claim 7, and as applied to claim 6 above**, McKinnon et al. clearly show and disclose, the method as in claim 6, wherein the step of determining the availability of the automatic call distributor (paragraph [0002], [0004], [0028], [0040]). However, McKinnon et al. does not specifically disclose a loading level of the automatic call distributor with a threshold level and determining that the automatic call distributor is unavailable when the loading level exceeds the threshold level and determining that the automatic call distributor is available when the loading level does not exceed the threshold.

Chaney et al. show and disclose a system and method of providing access to services in a telecommunications network utilizing the Session Initiation Protocol (SIP) wherein determining the availability of the automatic call distributor comprises comparing a loading level of the automatic call distributor (abstract, paragraph [0015], [0040]).

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate the teachings of Chaney et al. into the system of McKinnon et al. for the purpose of making call distribution more efficient by preventing any one call distributor from becoming overloaded. However, McKinnon et al. as modified by Chaney et al. does not specifically disclose comparing a loading level of the automatic distributor with a threshold level and

determining that the automatic distributor is unavailable when the loading level exceeds the threshold level and determining that the automatic distributor is available when the loading level does not exceed the threshold.

Wolff shows and discloses a system for distributing the I/O request load over the components of a network. More particularly, a system for distributing the responsibility for carrying out I/O requests among various servers on a network, wherein Wolff discloses comparing a loading level of the automatic distributor with a threshold level and determining that the automatic distributor is unavailable when the loading level exceeds the threshold level and determining that the automatic distributor is available when the loading level does not exceed the threshold (abstract, column 2 lines 52-62, column 11 lines 34-41, column 25 lines 26-33 lines 48-53).

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate dynamic load balancing based on thresholds, as taught by, Wolff into the system of McKinnon et al. as modified by Chaney et al. for the purpose of for the purpose of making call distribution more efficient by preventing any one call distributor from becoming overloaded.

b) Consider **claims 21 and 35, and as applied to claims 20 and 34 above**, McKinnon et al. clearly show and disclose, the apparatus for processing information as in claims 20 and 34, wherein the step of determining the availability of the second call distributor. However, McKinnon et al. does not specifically disclose a loading level of the second call distributor with a threshold level and determining that the second call distributor is unavailable when the loading level exceeds the threshold level and determining that the second call distributor is available when the loading level does not exceed the threshold.

Chaney et al. show and disclose a system and method of providing access to services in a telecommunications network utilizing the Session Initiation Protocol (SIP) wherein determining the availability of the second call distributor comprises comparing a loading level of the second call distributor (abstract, paragraph [0015], [0040]).

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate the teachings of Chaney et al. into the system of McKinnon et al. for the purpose of making call distribution more efficient by preventing any one call distributor from becoming overloaded. However, McKinnon et al. as modified by Chaney et al. does not specifically disclose comparing a loading level of the second call distributor with a threshold level and determining that the second call distributor is unavailable when the loading level exceeds the threshold level and determining that the second call distributor is available when the loading level does not exceed the threshold.

Wolff shows and discloses a system for distributing the I/O request load over the components of a network. More particularly, a system for distributing the responsibility for carrying out I/O requests among various servers on a network, wherein Wolff discloses comparing a loading level of the second call distributor with a threshold level and determining that the second call distributor is unavailable when the loading level exceeds the threshold level and determining that the second call distributor is available when the loading level does not exceed the threshold (abstract, column 2 lines 52-62, column 11 lines 34-41, column 25 lines 26-33 lines 48-53).

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate dynamic load balancing based on thresholds, as taught by, Wolff into the system of McKinnon et al. as modified by Chaney et al. for the purpose of for the purpose

of making call distribution more efficient by preventing any one call distributor from becoming overloaded.

9. **Claims 10, 24, and 38** are rejected under 35 U.S.C. 103(a) as being unpatentable over **McKinnon et al. (US 2004/0133647 A1)** in view of **Gray et al. (US Patent Publication US 2005/0100157 A1)**.

a) Consider **claims 10, 24, and 38**, and as applied to claims 9, 23, and 37 above, McKinnon et al. clearly show and disclose, the method and apparatus of/for processing information as in claims 9, 23, and 37. However, McKinnon et al. does not specifically disclose the first resource further comprises a call classification application of the automatic call distributor that determines a call type of an incoming call.

Gray et al. show and disclose a context aware call processing architecture for effecting user-defined features wherein the first resource further comprises a call classification application of the automatic call distributor that determines a call type of an incoming call (abstract, paragraph [0008], [0009], [0053]).

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate the teachings of Gray et al. into the system of McKinnon et al. for the purpose of handling calls based on context information.

10. **Claims 11-12, 25-26, and 39-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over **McKinnon et al. (US 2004/0133647 A1)** as modified by **Gray et al. (US Patent Publication US 2005/0100157 A1)** in view of **Chaney et al. (US Patent Publication # US 2003/010800 A1)** in further view of **Wolff (US Patent # US 6,185,601 B1)**.

a) Consider **claims 11, 25, and 39, and as applied to claims 10, 24, and 38 above,**

McKinnon et al. as modified by Gray et al. clearly show and disclose, the method and apparatus of/for processing information as in claims 10, 24, and 38. However, McKinnon et al. as modified by Gray et al. does not specifically disclose defining the status as being a loading level of the call routing application.

Chaney et al. show and disclose a system and method of providing access to services in a telecommunications network utilizing the Session Initiation Protocol (SIP) wherein determining the availability of the second call distributor comprises comparing a loading level of the second call distributor (abstract, paragraph [0015], paragraph [0040]).

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate the teachings of Chaney et al. into the system of McKinnon et al. as modified by Gray et al. for the purpose of making call distribution more efficient by preventing any one call distributor from becoming overloaded. However, McKinnon et al. as modified by Gray et al. as further modified by Chaney et al. does not specifically disclose comparing a loading level of the second call distributor with a threshold level and determining that the second call distributor is unavailable when the loading level exceeds the threshold level and determining that the second call distributor is available when the loading level does not exceed the threshold.

Wolff shows and discloses a system for distributing the I/O request load over the components of a network. More particularly, a system for distributing the responsibility for carrying out I/O requests among various servers on a network, wherein Wolff discloses comparing a loading level of the second call distributor with a threshold level and determining that the second call distributor is unavailable when the loading level exceeds the threshold level and determining that the

second call distributor is available when the loading level does not exceed the threshold (abstract, column 2 lines 52-62, column 11 lines 34-41, column 25 lines 26-33 lines 48-53).

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate dynamic load balancing based on thresholds, as taught by, Wolff into the system of McKinnon et al. as modified by Gray et al. as further modified by Chaney et al. for the purpose of for the purpose of making call distribution more efficient by preventing any one call distributor from becoming overloaded.

b) Consider **claims 12, 26, and 40, and as applied to claims 11, 25, and 39 above,** McKinnon et al. as modified by Gray et al. as modified by Chaney et al. as further modified by Wolff clearly show and disclose, the method and apparatus of/for processing information as in claims 11, 25, and 39 further comprising defining the loading level as a call queue length (McKinnon et al. figure 7a, figure 7b, paragraph [0040], [0041]; Chaney et al. abstract, paragraph [0015], [0040]).

c) Consider **claims 13 and 27, and as applied to claim 12 and 26 above,** McKinnon et al. as modified by Gray et al. as modified by Chaney et al. as further modified by Wolff clearly show and disclose, the method and apparatus of/for processing information as in claims 12 and 26 further comprising determining that the routing application is unavailable when the loading level exceeds a predetermined threshold and available when the routing application does not exceed the predetermined threshold (Chaney et al. abstract, paragraph [0015], paragraph [0040]).

d) Consider **claims 14 and 28, and as applied to claims 13 and 27 above,** McKinnon et al. as modified by Gray et al. as modified by Chaney et al. as further modified by Wolff clearly show and disclose, the method and apparatus of/for processing calls/information as in claims 13 and 27 further comprising the call classification application requesting the predetermined service form a

third resource when the call routing application is not available (McKinnon; paragraph [0018], [0019], [0023], [0033], [0034], [0035], [0040], [0041], [0042]; Chaney; abstract, [0015], [0040]).

### ***Response to Arguments***

11. Applicant's arguments filed 10NOV2008 have been fully considered but they are not persuasive.

Applicant argues that "...the SUBSCRIBE message is used in a different way than that claimed", "...the SUBSCRIBE message is not requesting status of the second resource separate from the presentity server but instead requests a subscription between presentities within the presentity server.", and "... McKinnon does not send the SIP NOTIFY message from the second resource to the separate first resource to notify status of the second, but rather sends the NOTIFY messages between presentities within the presence server."

The Examiner respectfully disagrees; in response to Applicant's argument that "the SUBSCRIBE message is used in a different way than that claimed", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

While the cited portions of the McKinnon deal mainly watcher devices requesting relationships with presentities McKinnon clearly disclose other resources (participating devices) also use the SUBSCRIBE/NOTIFY messages to establish a relationships with presentities (figure 3, paragraph [0005], [0027], [0031], [0033], [0034], [0040], [0041]) and as such isn't limited to just watcher devices. McKinnon also clearly discloses that each of the resources 20 (watcher devices and

participant devices) has its own presentity 16 and the resources are separate from the presentity server 14 (figure 3, paragraph [0026], [0027]).

Furthermore, the presentity server and the presentities thereon are clearly providing availability information (abstract, paragraph [0018], [0019]) to the resources with which they are associated, therefore the SUBSCRIBE/NOTIFY messages being sent between presentities is equivalent to sending the SUBSCRIBE/NOTIFY messages between the resources themselves (i.e. the presentities are functionally part of the associated resource).

Applicant argues that “...Chaney describes determining a conference server with the lightest load but does not describe the claimed comparing of the load level to a threshold and determining that the ACD is unavailable if it exceeds the threshold.”

Applicant's arguments with respect to “comparing of the load level to a threshold and determining that the ACD is unavailable if it exceeds the threshold.” have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that “... Gray also fails to teach or suggest the above discussed features as well as the claimed use of queue length, loading of call routing application and a third resource.”

The Examiner respectfully disagrees; in response to Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). While Gray may or may not disclose use of queue length, loading of call routing application and a third resource. McKinnon and Chaney clearly do. McKinnon discloses providing distributed communication services based on presence technology (abstract, paragraph [0018], [0019], [0023]) and Chaney describes a system for providing subscriber service to service users in a telecommunications network

that uses presence information as well as traffic load (abstract, paragraph [0015], [0040]). McKinnon clearly discloses the use of cue length and a third resource, wherein cue length is used to determine the availability of a particular resources (paragraph [0040], [0041], [0042]) and if that resource isn't available routing a request to a third resource (paragraph [0033], [0034], [0035]), while Chaney clearly discloses the use of loading of a call routing application and a third resource, wherein loading information is used to determine the availability of a particular service provider and if that service provider isn't available routing a request to a third resource (abstract, paragraph [0015], [0040]).

Therefore, the combination of McKinnon in view of Gray in view of Chaney in further view of Wolff (with regard to the use of load thresholds (see above rejection)) clearly discloses all the claimed features.

The Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the Applicant, in preparing the responses, to fully consider each of the cited references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage disclosed by the Examiner.

### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the

mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 6,279,001 B1
- US 6,351,775 B1
- 2006/0036607 A1
- 2006/0045255 A1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL C. MURRAY whose telephone number is 571-270-1773. The examiner can normally be reached on Monday - Friday 0800-1700 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on (571)-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DCM/  
Examiner, Art Unit 2443

/J Bret Dennison/  
Primary Examiner, Art Unit 2443